

Reconsideration
Serial No. 10/771,603

Docket No. 5000-1-511.

REMARKS

Claims 1-20 are rejected. Claims 1 and 18 are independent claims. Claims 1-20 are pending. Reconsideration of the above-identified application based upon the following remarks, is respectfully requested.

The disclosure stands rejected based upon informality on page 12, line 23. Applicants respond by noting that one skilled in the art would understand that '10:90' describes the operation of the optical couplers as illustrated in FIG. 8, reference character number 430. As such, applicants have amended the cited passage to begin with the word "the" as appose to beginning with a number. Therefore, applicants respectfully request withdrawal of this ground of rejection.

Claims 1, 2 and 18-20 stand rejected under 35 USC §102(e) as being anticipated by Choi et al. (US 2005/0031348). In response, Applicants disagree and respectfully traverse this ground of rejection as the present applications 'effective' filing date under §102(e) pre-dates Choi filing date.

The instant application was filed on February 4, 2004 and claims priority to an application filed in the Korean Intellectual Property Office on August 12, 2003 and assigned Serial Number 20003-55866. Choi, on the other hand, was filed on October 23, 2003 and published on February 10, 2005.

Applicant respectfully points the Examiner's attention to MPEP 2136.03 which

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provides the following:

35 U.S.C. 102(e) is explicitly limited to certain references "filed in the United States before the invention thereof by the applicant" (emphasis added). Foreign applications' filing dates that are claimed (via 35 U.S.C. 119(a) - (d), (f) or 365(a)) in applications, which have been published as U.S. or WIPO application publications or patented in the U.S., may not be used as 35 U.S.C. 102(e) dates for prior art purposes. This includes international filing dates claimed as foreign priority dates under 35 U.S.C. 365(a). Therefore, the foreign priority date of the reference under 35 U.S.C. 119(a)-(d) (f), and 365(a) cannot be used to antedate the application filing date. In contrast, applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date. (Citations omitted)

Therefore, applicant's effective filing date of August 12, 2003 based upon the Korcan application pre-dates Choi's USPTO filing date of October 23, 2003. Applicant respectfully request withdrawal of this ground of rejection as no reference is provided which anticipates and pre-dates the present application.

The other claims in this application are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all of the present claims are patentable in view of the cited reference. A Notice of Allowance is respectfully requested.

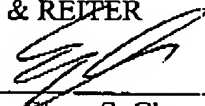
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Should the Examiner deem that there are any issues, which may be best, resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,

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